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10/034,051

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EXAMINER

LIU, I JUNG

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/034,051

**Applicant(s)**

KWOK ET AL.

**Examiner**

Marissa Liu

**Art Unit**

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to a reply submitted 3/16/2007. After careful consideration of Applicant's arguments, the rejection of claims 1-22 are maintained as set forth in detail below.

### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Rensburg et al., U.S. Pub. Number: 2003/0004891 A1 (PTO-892 Reference A).

3. As per claim 1, Van Rensburg et al. teaches a method for performing secure electronic transactions using a wireless telephony system, said method comprising the steps of:

receiving a request for an electronic transaction at a vendor system, said request including a telephone number associated with a wireless telephone (see abstract, page 2, ¶ 0026 and pages 4-5, ¶ 0052);

transmitting, in response to receipt of said request for an electronic transaction, a request for authorization from said vendor system to a transaction authorization system (see abstract and page 2, ¶ 0025).

transmitting, in response to receipt of said request for authorization, a request for confirmation from said transaction authorization system to a messaging system associated with said wireless telephony system (see abstract), said messaging system transmitting, in response to receipt of said request for confirmation, a message to said wireless telephone associated with said telephone number, said message including a request for a user of said mobile device to send a reply to said message to confirm said request for an electronic transaction (see abstract and page 2, ¶ 0026 and page 4, ¶ 0040);

receiving at said transaction authorization system a reply to said message from said mobile device (see page 2, ¶ 0025 and ¶ 0026);

determining, from the content of said reply, whether a user of said mobile device has confirmed said electronic transaction (see abstract); and

transmitting, in response to a confirmation of said electronic transaction, a transaction authorization message from said transaction authorization system to said vendor system (see abstract); and

completing, in response to receiving said transaction authorization message, said electronic transaction at said vendor system (see page 5, ¶ 0055 and ¶ 0066).

4. As per claim 2, Van Rensburg et al. teaches the method recited in claim 1 described above. Van Rensburg et al. further teaches wherein said request for an electronic transaction is transmitted to said vendor system from an electronic device other than said wireless telephone (see page 2, ¶ 0020 and page 7, claim 1, where "'Mobile device" means any device communicating by way of a wireless network operated by a service provider and including

Art Unit: 3691

mobile telephones but which need not necessarily assume the form of a telephone” is equivalent of “an electronic device other than said wireless telephone”).

5. As per claim 3, Van Rensburg et al. teaches the method recited in claim 1 described above. Van Rensburg et al. further teaches wherein said request for an electronic transaction is transmitted to said vendor system from said wireless telephone (see page 4, ¶ 0048).

6. As per claim 4, Van Rensburg et al. teaches the method recited in claim 1 described above. Van Rensburg et al. further teaches wherein messaging system associated with said wireless telephony system comprises a Short Message Service (SMS) center (see page 4, ¶ 0049 and pages 7-8, claims 1 and 11).

7. As per claim 5, Van Rensburg et al. teaches the method recited in claim 1 described above. Van Rensburg et al. further teaches the wherein said transaction authorization system comprises a database for storing User Profiles, each User Profile including at least a telephone number and payment source information (see abstract and page 4-5, ¶ 0052).

8. As per claim 6, Van Rensburg et al. teaches the method recited in claim 5 described above. Van Rensburg et al. further teaches wherein said payment source information comprises a credit card number (see page 1, ¶ 0009 and page 2, ¶ 0016).

9. As per claim 7, Van Rensburg et al. teaches the method recited in claim 5 described above. Van Rensburg et al. further teaches wherein said transaction authorization message includes said payment source information (see abstract and page 4-5, ¶ 0052).

Art Unit: 3691

10. As per claim 8, Van Rensburg et al. teaches the method recited in claim 1 described above. Van Rensburg et al. further teaches wherein said request for authorization, said request for confirmation, and said message to said wireless telephone each include a merchant identifier associated with said electronic transaction (see abstract and page 5, ¶ 0055).

11. As per claim 9, Van Rensburg et al. teaches the method recited in claim 1 described above. Van Rensburg et al. further teaches wherein said request for authorization, said request for confirmation, and said message to said wireless telephone each include the cost of said electronic transaction (see abstract, page 1, ¶ 0005, and page 2, ¶ 0025-0026).

12. As per claim 10, Van Rensburg et al. teaches the method recited in claim 1 described above. Van Rensburg et al. further teaches wherein said request for confirmation and said message to said wireless telephone include a request for said user to provide a user code (see page 7, claim 2).

13. As per claim 11, Van Rensburg et al. teaches the method recited in claim 10 described above. Van Rensburg et al. further teaches wherein said method further comprises the steps of: comparing said user code to a code stored in a User Profile (see page 2, ¶ 0025 and page 4, ¶ 0040, where "PIN" is equivalent of "user code"); and sending a transaction rejection message to said vendor system if said user code is not identical to said code stored in said User Profile (see abstract and pages 4-5, ¶ 0052).

Art Unit: 3691

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Rensburg et al., US Pub. Number: 2003/0004891 A1 (PTO-892 Reference A) in view of Atkins, U.S. Patent Number: 5,644,727 (PTO-892 Reference B).

16. As per claim 12, Van Rensburg et al. teaches a transaction authorization system for performing secure electronic transactions using a wireless telephony system, said system comprising:

digitally-coded instructions stored in said non-volatile memory, said digitally-coded instructions operative to cause said computing system to perform the steps of:

receiving a request for authorization of an electronic transaction from a vendor system, said request for authorization including a telephone number associated with a mobile device (see abstract, page 2, ¶ 0026 and pages 4-5, ¶ 0052);

transmitting, in response to receipt of said request for authorization, a request for confirmation to a messaging center associated with said wireless telephony system (see abstract), said messaging center being operative to 1) transmit, in response to receipt of said request for confirmation, a message to said mobile device associated with said telephone number, said message including a request for a user of said mobile device to send a reply to said message to confirm said request for an electronic transaction, 2) receive at said messaging center a reply to

Art Unit: 3691

said message from said mobile device, and 3) transmit said message to said transaction authorization system (see abstract, page 2, ¶ 0026 and page 4, ¶ 0040) ;

determining, from the content of said message, whether a user of said mobile device has confirmed said electronic transaction (see abstract); and transmitting, in response to a confirmation of said electronic transaction, a transaction authorization message to said vendor system (see abstract and page 5, ¶ 0055 and ¶ 0066).

Van Rensburg et al. does not teach:

a computing system, including:

a processor; random access memory (RAM) coupled to said processor; non-volatile memory coupled to said processor; and an input/output subsystem coupled to said processor, wherein said processor, RAM and non-volatile memory are operative to retrieve and execute digitally-coded instructions stored in said non-volatile memory, and to transmit and receive information to and from remote systems via said input/output subsystem;

Atkins teaches:

a computing system, including:

a processor; random access memory (RAM) coupled to said processor (see column 32, lines 8-12); non-volatile memory (see column 64, lines 10-16 and column 33, lines 18-28) and coupled to said processor; and an input/output subsystem coupled to said processor, wherein said processor, RAM and non-volatile memory are operative to retrieve and execute digitally-coded instructions (see abstract and column 64, lines 43-56) stored in said non-volatile memory (see



Art Unit: 3691

column 64, lines 10-16 and column 33, lines 18-28), and to transmit and receive information to and from remote systems (see column 42, lines 47-67) via said input/output subsystem (see column 32, lines 8-45);

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add computer system including: a processor; random access memory, non-volatile memory and input/output subsystem feature to the transaction authorization system of Van Rensburg et al., because Atkins teaches that adding the feature helps to enhance personal financial analysis, planning, management and record keeping with less effort and increase convenience (see abstract of Atkins).

17. As per claim 13, Van Rensburg et al. teaches the transaction authorization system recited in claim 12 described above. Van Rensburg et al. further teaches wherein a request for said electronic transaction is transmitted to said vendor system from an electronic device other than said wireless device (see page 2, ¶ 0020 and page 7, claim 1, where "'Mobile device" means any device communicating by way of a wireless network operated by a service provider and including mobile telephones but which need not necessarily assume the form of a telephone" is equivalent of "an electronic device other than said wireless telephone").

18. As per claim 14, Van Rensburg et al. teach the transaction authorization system recited in claim 12 described above. Van Rensburg et al. further teaches wherein a request for said electronic transaction is transmitted to said vendor system from said wireless telephone (see page 4, ¶ 0048).

Art Unit: 3691

19. As per claim 15, Van Rensburg et al. teach the transaction authorization system recited in claim 12 described above. Van Rensburg et al. further teaches wherein messaging system associated with said wireless telephony system comprises a Short Message Service (SMS) center (see page 4, ¶ 0049 and pages 7-8, claims 1 and 11).

20. As per claim 16, Van Rensburg et al. teach the transaction authorization system recited in claim 12 described above. Van Rensburg et al. further teaches wherein said transaction authorization system further comprises a database for storing User Profiles, each User Profile including at least a telephone number and payment source information (see abstract and page 4-5, ¶ 0052).

21. As per claim 17, Van Rensburg et al. teaches the transaction authorization system recited in claim 16 described above. Van Rensburg et al. further teaches wherein said payment source information comprises a credit card number (see page 1, ¶ 0009 and page 2, ¶ 0016).

22. As per claim 18, Van Rensburg et al. teaches the transaction authorization system recited in claim 16 described above. Van Rensburg et al. further teaches wherein said transaction authorization message includes said payment source information (see abstract and page 4-5, ¶ 0052).

23. As per claim 19, Van Rensburg et al. teaches the transaction authorization system recited in claim 12 described above. Van Rensburg et al. further teaches wherein said request for authorization, said request for confirmation, and said message to said wireless device each include a merchant identifier associated with said electronic transaction (see abstract and page 5, ¶ 0055).

24. As per claim 20, Van Rensburg et al. teaches the transaction authorization system recited in claim 12 described above. Van Rensburg et al. further teaches wherein said request for authorization, said request for confirmation, and said message to said wireless device each include the cost of said electronic transaction (see abstract, page 1, ¶ 0005, and page 2, ¶ 0025-0026).

25. As per claim 21, Van Rensburg et al. teaches the transaction authorization system recited in claim 12 described above. Van Rensburg et al. further teaches wherein said request for confirmation and said message to said wireless device include a request for said user to provide a user code (see page 7, claim 2).

26. As per claim 22, Van Rensburg et al. teaches the transaction authorization system recited in claim 21 described above. Van Rensburg et al. further teaches wherein said digitally-coded instructions are further operative to cause said computing system to perform the steps of: comparing said user code to a code stored in a User Profile (see page 2, ¶ 0025 and page 4, ¶ 0040, where "PIN" is equivalent of "user code"); and sending a transaction rejection message to said vendor system if said user code is not identical to said code stored in said User Profile (see abstract and pages 4-5, ¶ 0052).

#### ***Response to Arguments***

27. Applicant's arguments filed 3/16/2007 have been fully considered but they are not persuasive.

28. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "**first** sent to a

Art Unit: 3691

vendor system”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The applicant’s argument is not directly to the exact wording of claim 1 or claim 12 in the pending claims. In claim 1 or 12, applicant claims “receiving a request for an electronic transaction at a vendor system”. Van Rensburg et al. discloses “a system for conducting commercial transactions in an economic environment including a plurality of merchants (i.e. vendor) ...” and “communicating with vendors” (see abstract, page 2, ¶ 0026 and pages 4-5, ¶ 0052). Therefore, Van Rensburg et al. discloses the limitation.

29. In response to applicant's argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., “**that a vendor system transmits a request...**”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The applicant’s argument is not directly to the exact wording of claim 1 or claim 12 in the pending claims. In claim 1 or claim 12, applicant claims “transmitting, in response to receipt of said request for an electronic transaction, a request for authorization from said vendor system to a transaction authorization system”. Van Rensburg et al. discloses “merchant and participating vendor enable a participating system member, by suitable activation of that member’s mobile device ... At some stage prior to a transaction being completed, and this may be included with the initial message, the instructing participating system member is required to transmit an

Art Unit: 3691

authenticating security code” (see abstract and page 2, ¶ 0025). Therefore, Van Rensburg et al. discloses the limitation.

30. In response to applicant's argument, “that the transaction authorization system then transmits a request for confirmation to a messaging system associated with a wireless telephony system” is not directly to the exact phrase of claim 1 or claim 12 in the pending claims. In claim 1 or claim 12, applicant claims “transmitting, in response to receipt of said request for authorization, a request for confirmation from said transaction authorization system to a messaging system associated with said wireless telephony system”. Van Rensburg et al. discloses “participating system member, by suitable activation of the member’s mobile device, typically a cellular telephone, in remote location, to conduct a financial transaction by debiting a financial data base record allocated to the instructing participating system member. At some stage prior to a transaction being completed, and this may be included with the initial message, the instructing participating system member is required to transmit an authenticating security code” (see abstract and page 2, ¶ 0026 and page 4, ¶ 0040). Therefore, Van Rensburg et al. discloses the limitation.

31. In response to applicant's argument, “that, subsequently, when a reply to the message is received from the wireless telephone, the transaction authorization system determines, from the content of the reply, whether a user of the wireless telephone has confirmed the electronic transaction” is not directly to the exact phrase of claim 1 or claim 12 in the pending claims. In claim 1 or claim 12, applicant claims “determining, from the content of said reply, whether a user of said mobile device has confirmed said electronic transaction”. Van Rensburg et al. discloses “At some stage prior to a transaction being completed, and this may be included with

Art Unit: 3691

the initial message, the instructing participating system member is required to transmit an authenticating security code. Once completed, the transaction is irreversible” (see abstract; page 5, ¶ 0055 and ¶ 0066). Therefore, Van Rensburg et al. discloses the limitation.

32. In response to applicant's argument, “if so, the transaction authorization system transmits a transaction authorization message to the vendor system, which then completes the electronic transaction” is not directly to the exact phrase of claim 1 or claim 12 in the pending claims. In claim 1 or claim 12, applicant claims “completing, in response to receiving said transaction authorization message, said electronic transaction at said vendor system”. Van Rensburg et al. discloses “authorize signal and disallow a requested transaction in the event that the validity of the recipient as a participating system member or merchant cannot be verified” (see abstract and page 2, ¶ 0025 and ¶ 0026). Therefore, Van Rensburg et al. discloses the limitation.

33. In response to applicant's argument, “that the wireless telephony system then transmits a message to the wireless telephone associated with the telephone number” is not directly to the exact phrase of claim 1 or claim 12 in the pending claims. In claim 1 or claim 12, applicant claims said messaging system transmitting, in response to receipt of said request for confirmation, a message to said wireless telephone associated with said telephone number. Van Rensburg et al. teaches for the programming of both mobile telephone and the general computerized server to ensure that at least messages concerning financial transactions are encrypted and decrypted in suitable manner; and for a participating system members' financial data base record to be identified at least in part, by the relevant cellular telephone number (see abstract, page 2, ¶ 0026 and page 4, ¶ 0040). Therefore, Van Rensburg et al. discloses the claimed invention.

Art Unit: 3691

34. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on First Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick James Nolan can be reached on 571-270-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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